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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,268	04/25/2001	Carl A. Gunter	53087-5003	5607
28977	7590	07/09/2004	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			BAUM, RONALD	
			ART UNIT	PAPER NUMBER
			2136	10
DATE MAILED: 07/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## ***Office Action Summary***

**Application No.**

09/842,268

**Applicant(s)**

GUNTER ET AL.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.100(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All   b)  Some \* c)  None of:

  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-9.

- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Claims 1- 21 are pending for examination.
2. Claims 1- 21 are rejected.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9,13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamming et al, U.S. Patent 6,144,997.
4. As per claim 1; “A method for controlling access to a service [Abstract, figures 1,4,5 and associated description, col. 1,line 16-col. 2,line 57] comprising the steps of: (A) determining identity and key information of a delegatee [col. 10,lines 49-65, col. 11,lines 6-24, col. 11,lines 31-col. 12,line 4, col. 12,lines 43-50]; and (B) delegating permission to the delegatee over a personal area network, wherein said permission is represented using a digital signature and wherein said permission relates to the service [col. 4,lines 43-66,]; wherein steps (A) and (B) are performed by a delegator that verifies said identity and key information through physical presence of said delegatee [col. 2,lines 6-57, col. 3,lines 36-58, col. 5,lines 45-col. 6,line 11, col. 6,lines 41-51, col. 7,lines 51-62, col. 8,lines 23-col. 9,line 29, col. 9,lines 66-col. 10,line 26,].”;

Further, as per claim 13; “A system [This claim is the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection] for controlling access to a service comprising: a delegation device for determining identity and key information of a delegatee; and delegating permission over a personal area network to the delegatee relating to said service, wherein said permission is represented using a digital signature; and wherein the identity and key information is verified through physical presence of said delegatee.”.

5. Claim 2 *additionally recites* the limitation that; “The method of claim 1 wherein said permission relating to said service comprises permission to access said service.”. The teachings of Lamming et al suggest such limitations (col. 2,lines 6-57, col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 10,lines 25-42);

Further, as per claim 14 *additionally reciting* the limitation that; “The system [This claim is the system claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection] of claim 13 wherein said permission relating to said service comprises permission to access said service.”.

6. Claim 3 *additionally recites* the limitation that; “The method of claim 1 wherein said permission relating to said service comprises permission to delegate one or more further permissions to one or more subsequent delegatees.”. The teachings of Lamming et al suggest such limitations (col. 2,lines 6-57, col. 3,lines 36-58, col. 4,lines 43-66, col. 5,lines 45-col. 6,line 11, col. 6,lines 41-51, col. 7,lines 51-62, col. 8,lines 23-col. 9,line 29, col. 9,lines 66-col. 10,line 26, col. 10,lines 49-65, col. 11,lines 6-24);

Further, as per claim 15 *additionally reciting* the limitation that; “The system [This claim is the system claim for the method claim 3 above, and is rejected for the same reasons provided

for the claim 3 rejection] of claim 13 wherein said permission relating to said service comprises permission to delegate one or more further permissions to one or more subsequent delegateses.”.

7. Claim 4 *additionally recites* the limitation that; “The method of claim 3 further comprising the step of: (C) delegating to said one or more subsequent delegateses one or more of said further permissions via electronic mail.”. The teachings of Lamming et al suggest such limitations (col. 2,lines 6-57, col. 3,lines 36-58, col. 4,lines 43-66, col. 5,lines 45-col. 6,line 11, col. 6,lines 41-51, col. 7,lines 51-62, col. 8,lines 23-col. 9,line 29, col. 9,lines 66-col. 10,line 26, col. 10,lines 49-65, col. 11,lines 6-24, whereas the “satchel” paradigm corresponds to the applicants email limitation as broadly interpreted by the examiner);

Further, as per claim 16 *additionally reciting* the limitation that; “The system [This claim is the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection] of claim 15 wherein one or more of said further permissions are delegated to said one or more subsequent delegates via electronic mail”.

8. Claim 5 *additionally recites* the limitation that; “The method of claim 2 wherein said permission to access said service is limited in duration.”. The teachings of Lamming et al suggest such limitations (col. 2,lines 6-57, col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 10,lines 25-42, whereas in the broadest interpretation of the phrase “limited in duration” in a PAN environment in an ad-hoc type of network authentication scenario, duration of communications and associated authentication (and therefore associated services and delegation) would be inherently limited.);

Further, as per claim 17 *additionally reciting* the limitation that; “The system [This claim is the system claim for the method claim 5 above, and is rejected for the same reasons provided

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for the claim 5 rejection] of claim 14 wherein said permission to access said service is limited in duration.”.

9. Claim 6 ***additionally recites*** the limitation that; “The method of claim 3 wherein said permission to delegate is limited in duration.”. The teachings of Lamming et al suggest such limitations (col. 2,lines 6-57, col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 10,lines 25-42, whereas in the broadest interpretation of the phrase “limited in duration” in a PAN environment in an ad-hoc type of network authentication scenario, duration of communications and associated authentication (and therefore associated services and delegation) would be inherently limited.);

Further, as per claim 18 ***additionally reciting*** the limitation that; “The system [This claim is the system claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection] of claim 15 wherein said permission to delegate is limited in duration.”.

10. Claim 7 ***additionally recites*** the limitation that; “The method of claim 1 wherein steps (A) and (B) are performed by a delegator that verifies said identity and key information only through physical presence of said delegatee.”. The teachings of Lamming et al suggest such limitations (col. 7,lines 51-62, col. 8,lines 23-60 (“Mike and Richard” scenarios), figures 1,4,5 and associated descriptions);

Further, as per claim 19 ***additionally reciting*** the limitation that; “The system [This claim is the system claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection] of claim 13 the identity and key information is verified only through physical presence of said delegatee.”.

11. Claim 8 ***additionally recites*** the limitation that; “The method of claim 1 wherein the service comprises accessing content.”. The teachings of Lamming et al suggest such limitations

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(col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 10,lines 25-42, col. 11,lines 32-col. 12,line 57);

Further, as per claim 20 ***additionally reciting*** the limitation that; “The system [This claim is the system claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection] of claim 13 wherein the service comprises accessing content.”.

12. Claim 9 ***additionally recites*** the limitation that; “The method of claim 1 wherein the service comprises actuating a device.”. The teachings of Lamming et al suggest such limitations (col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 7,lines 8-22, col. 9,lines 30-42, col. 10,lines 25-42, col. 11,lines 32-col. 12,line 57);

Further, as per claim 21 ***additionally reciting*** the limitation that; “The system [This claim is the system claim for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection] of claim 13 wherein the service comprises actuating a device”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamming et al, U.S. Patent 6,144,997, and further in view of Woodhill, U.S. Patent Application Publication 2002/0004831 A1.

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13. As per claim 10; “A method for controlling access to a service comprising the steps of: (A) receiving from a delegatee key information over a computer network; (B) taking a hash of said key information; (C) verbally confirming said hash of said key information with said delegatee; (D) sending, by a delegator to the delegatee, permission to access said service, wherein said permission is represented using a digital signature; and (E) after step (D), providing said delegatee access to said service.”;

Claim 11 *additionally recites* the limitation that; “The method of claim 10 wherein the service comprises accessing content.”. The teachings of Lamming et al suggest such limitations (col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 10,lines 25-42, col. 11,lines 32-col. 12, line 57);

Claim 12 *additionally recites* the limitation that; “The method of claim 10 wherein the service comprises actuating a device.”. The teachings of Lamming et al suggest such limitations (col. 3,lines 35-col. 5,line 17, col. 6,lines 1-11, col. 7,lines 8-22, col. 9,lines 30-42, col. 10,lines 25-42, col. 11,lines 32-col. 12,line 57).

The teachings of Lamming et al suggest such limitations (Abstract, figures 1,4,5 and associated description, col. 1,line 16-col. 2,line 57, col. 10,lines 49-65, col. 11,lines 6-24, col. 11,lines 31-col. 12,line 4, col. 12,lines 43-50, et seq.) *without explicitly teaching* of the use of “verbally confirming” the hashed key information. Woodhill teaches of using verbal confirmation of shared secret information in a personal physical environment (i.e., PAN) to deal with authentication aspects of information security via “out-of-band” communications.

Thus, one of ordinary skill in the art would have been motivated to include the verbal confirmation of shared secret information in a personal physical environment of Woodhill with

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the Lamming et al "method for controlling access to a service" system to. Such motivation to combine would clearly encompass the need to allow for qualitatively superior authentication scenario to improve security in a person to person (i.e., PAN) network (Woodhill, paragraphs [0003]-[0053]).

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (703) 305-4276. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The Fax numbers for the organization where this application is assigned are:

After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7246

Ronald Baum

Patent Examiner



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